

EXHIBIT 9

FILED

MAR 19 2007

KIM TURNER
 Court Executive Officer
 MARIN COUNTY SUPERIOR COURT
[Signature]
 Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

FIKRI BAYRAMOGLU,

Petitioner,

v.

BEN CURRY, WARDEN, CTF

Respondent.

Case No. SC 152471A

**ORDER DENYING PETITION FOR
 WRIT OF HABEAS CORPUS**

Petitioner is currently serving a term of fifteen years to life in the Department of Corrections, based upon a conviction of second degree murder with a deadly weapons enhancement in the Marin County Superior Court. He is currently housed on Soledad State Prison in Monterey County.

Evidently petitioner is a native of Turkey. He claims that he should be deported to his home country, Turkey, and that his imprisonment in the California Department of Corrections is unconstitutional.

The claims set forth in petitioner's petition for writ of habeas corpus are absurd. The fact of the matter is he was convicted of second degree murder in the State of California. His imprisonment in the California Department of Corrections for a term of fifteen years to life is proper. He has no right to be deported to his home country, Turkey.

The petition is therefore denied.

Dated: March 19, 2007

[Signature]
 JUDGE OF THE SUPERIOR COURT

STATE OF CALIFORNIA)
COUNTY OF MARIN)

IN RE: **FIKRI BAYRAMOGLU**

ACTION NO.: **SC152471A**

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **March 20, 2007** I SERVED THE WITHIN ***ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS*** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

FIKRI BAYRAMOGLU CDC# C-54604 CORRECTIONAL TRAINING FACILITY C-ZW-329-L HIGHWAY 101 NORTH PO BOX 686 SOLEDAD, CA 93960-0686	WARDEN CORRECTIONAL TRAINING FACILITY HIGHWAY 101 NORTH PO BOX 686 SOLEDAD, CA 93960-0686
ATTORNEY GENERAL ATTN: ANYA BINSACCA CORRECTIONAL LAW SECTION 455 GOLDEN GATE AVENUE 12TH FLOOR SAN FRANCISCO, CA 94102	

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE:

3/20/07

W Murphy

EXHIBIT 10

ORIGINAL**SUPREME COURT
FILED**

MC-275

Name FIKRI BAYRAMOGLU

Address CTF-C-ZW-329-L

Highway 101 North - P.O. BOX 689

Soledad, CA 93960 USA

CDC or ID Number C-54604

MAR 29 2007

RECEIVED

Frederick K. Ohlrich Clerk

Deputy

MAR 29 2007
CLERK SUPREME COURT**IN THE SUPREME COURT OF THE****STATE OF CALIFORNIA**

(Court)

FIKRI BAYRAMOGLU

Petitioner

vs.

Respondent

BEN CURRY, WARDEN, CTF

PETITION FOR WRIT OF HABEAS CORPUS

No.

S151354

(To be supplied by the Clerk of the Court)

INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies.
- If you are filing this petition in the California Supreme Court, file the original and thirteen copies.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201(h)(1) of the California Rules of Court [as amended effective January 1, 1999]. Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

Page one of six

This petition concerns:

- ☐ A conviction ☒ Parole
☐ A sentence ☒ Credits
☐ Jail or prison conditions ☒ Prison discipline
☐ Other (specify): Denial of transfer pursuant to U.S.-Turkey Prisoner Transfer Treaty.

1. Your name: FIKRI BAYRAMOGLU
2. Where are you incarcerated? CTF-Central Soledad, California
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Second degree homicide without any deadly weapon enhancement.

- b. Penal or other code sections: 187 P.C.
- c. Name and location of sentencing or committing court: Marin County Superior Court.
- d. Case number: 8215.
- e. Date convicted or committed: Friday the 13th August, 1982.
- f. Date sentenced: September 21, 1982.
- g. Length of sentence: -15-Years-To-Life.
- h. When do you expect to be released? Don't know. Minimum/Maximum EPRD: April 19, & Jan. 25, 90/94.
- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:
- Mr. Mark B. Davis, D. Public Defender County of Marin. 3501 Civic Center Drive Room: 161 - San Rafael, CA 94903. Petitioner is completely indigent, and respectfully requests Court to appoint Mr. Thomas Master to represent him in this matter. See his letter of Jan. 28, 2007, to the Petitioner.

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☒ Other: Not guilty by reason of insanity.

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Same as in the attached petition filed: March 13, 2007, in the Superior Court of California, County of Marin, Case NO.: SC152471A. See attached order filed: Marh 19, 2007, "ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS." Without even addressing the issues/questions were raised in the petition.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who did exactly what to violate your rights at what time (when) or place (where).* (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

JURISDICTION OF THE COURT

The California Supreme Court and/or Appellate Courts have original jurisdiction when the question before the court is strictly a question of law (California Constitution Art. VI, § 10; Penal Code §1508 (a and b)). See also *In re Moss* (1985) 175 Cal. App. 3d 913 [question of law is often first brought before an appellate Court]. *In re Catalano* (1981) Cal. 283 [entitled to de novo review]. There exist a very real threat of violating petitioner's right to due process "sufficiently present and substantial to warrant relief on habeas corpus" (*In re Diaz* (1993) 13 Cal. App. 3d 1775, 1761; *In re Monigold* (1998) 205 Cal. App. 3d 1224, 1231).

THE QUESTION BEFORE THE COURT IS WHETHER OR NOT PUNISHMENT FIT THE CRIME?

The review of the facts and the nature of the petitioner's commitment offense; time served for the crime; spotless prior criminal history; near "model inmate" record prior to the CDC misconduct (See petitioner's letter to the BPH dated: Aug. 10, 2006) and petitioner's will to be transferred/deported back to his home country; and treatment of others in same or similar situations/circumstances will all show that the Board of Prison Terms and the Superior Court of Marin County did not have any legal or moral justifications for the denial of his transfer/deportation back to his home country the Republic of Turkey.

Petitioner sincerely believes that he has no law rights in this country; due to his Turkish race and Islam Religion. Petitioner does not even practice any religion. The superior court erroneously stated: "...with a deadly "WEAPONS" enhancement..." The weapon enhancement were stricken by the trial/sentencing court.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Same as in the above noted "complete attached" Superior Court Petition.

7. Ground 2 or Ground _____ (if applicable):

Same as in the above noted "complete attached" Superior Court Petition.

a. Supporting facts: See attached petition for writ of habeas Corpus filed: March 13, 2007,
in the Superior Court of California, County of Marin, Case NO.: SC152471A.

See attached "ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS" Filed: 3-19-2007.

Without even addressing the issues/questions were raised in the Petition in
violation of this court's rules, and petitioner's rights
due process and equal protection rights under the U.S. Constitution.

See McQuillion v. Duncan, 303 F 895, 902 (9th Cir. California's scheme "gives rise
to a cognizable liberty interest in release on parole, which cannot be denied
without adequate procedural due process protections."

Note to the Clerk of the Court:

I am not able to get copies. Please send me a "stamped filed" copy of my
petition when able. Thank you very much!

b. Supporting cases, rules, or other authority: Same as in the above noted attached petition.

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☒ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

N/A.

b. Result: _____

c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☒ No. If yes, give the following information:

a. Result: _____

b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

N/A.

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Same as in the above noted Superior Court Petition. Also see attached

Superior Court California, County of Marin "ORDER DENYING

PETITION FOR WRIT OF HABEAS CORPUS" Filed: March 19, 2007.

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: Superior Court of California, County of Marin.
- (2) Nature of proceeding (for example, "habeas corpus petition"): Same as in this petition.
- (3) Issues raised: (a) Same as in this petition.
- (b) _____
- (4) Result (Attach order or explain why unavailable): DENIED. See attached Order Filed: March 19, 07.
- (5) Date of decision: March 19, 2007.
- b. (1) Name of court: _____
- (2) Nature of proceeding: _____
- (3) Issues raised: (a) _____
- (b) _____
- (4) Result (Attach order or explain why unavailable): _____
- (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

No delay.

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes. ☐ No. If yes, explain:

U.S. District Court (ND) CA. Petition for Writ of Habeas Corpus NO. C 06-2249-VRW (PR).

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

This is the next appropriate court per this Court's above noted jurisdiction.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: March 27, 2007.

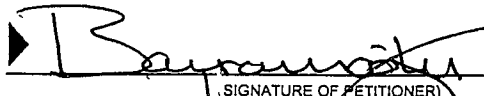

(SIGNATURE OF PETITIONER)

EXHIBIT 11

S151354

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re FIKRI BAYRAMOGLU on Habeas Corpus

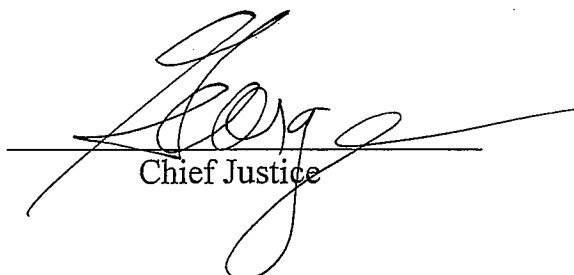
The petition for writ of habeas corpus is denied.

SUPREME COURT
FILED

AUG - 8 2007

Frederick K. Ohlrich Clerk

DEPUTY


Chief Justice